



# **THE ATTORNEY GENERAL OF TEXAS**

GERALD C. MANN  
~~CONSUL GENERAL~~  
ATTORNEY GENERAL

AUSTIN 11, TEXAS

January 9th, 1939

Hon. W. A. Stroman  
District Attorney  
119th Judicial District of Texas  
San Angelo, Texas

Dear Mr. Stroman:

Opinion No. O-30

Re: Expense of District  
Attorney.

Your request for an opinion regarding the expense of a District Attorney has been received by this office.

Article 3886-f, Revised Civil Statutes of Texas provides compensation for District Attorneys and the same statute further provides:

"Nothing in this Act shall be construed so as to deprive District Attorneys of the expense allowance allowed or which may hereafter be allowed by law."

Article 6820, Revised Civil Statutes, provides:

"All District Judges and District Attorneys, when engaged in the discharge of their official duties in any County in the State other than the County of their residence shall be allowed their actual and necessary expense while actually engaged in the discharge of such duties."

not to exceed certain amounts as stipulated by said statute.

Article 6823, Revised Civil Statutes, provides:

"The traveling and other necessary expenses incurred by the various officers, assistants, deputies, clerks and other employees in the various departments, institutions, boards, commissions or other subdivisions of the State Government, in the active discharge of their duties shall be such as are specifically fixed and appropriated by the Legislature in the general appropriation bills providing for the expenses of the State Government from year to year. When appropriations for traveling expenses are made any allowances or payments to officials or employees for the use of privately owned automobiles shall be on a basis of actual mileage traveled for each trip or all trips covered by the expense accounts submitted for payment or



Hon. W. A. Stroman, January 9th, 1939, Page No. 2, O-30

allowance from such appropriations, and such payment or allowance shall be made at a rate not to exceed five (5¢) cents for each mile actually traveled, and no additional expense incident to the operation of such automobile shall be allowed."

Texas Jurisprudence, Volume 34, Page 533, Section 116, provides:

"An allowance for expense incurred, in addition to compensation fixed by the Constitution, may be valid and statutes provide for the necessary expense incurred by various State and County officers in the performance of their official duties."

In view of the foregoing authorities, it is the opinion of this Department, that the District Attorney may collect his actual and necessary expense while actually engaged in the discharge of such duties not to exceed the amount prescribed by law.

Trusting that the foregoing answers your inquiry, I remain.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

s/ Ardell Williams

By Ardell Williams  
Assistant

AW:OMB:LDW

APPROVED:

s/ Gerald C. Mann

Gerald C. Mann  
ATTORNEY GENERAL OF TEXAS